

## ...Title

Vote on a request to approve a legislative request by 919 Storage LLC on Parcel No. 3080, located at 72 Marvin Edwards Lane, from R-2 Residential to Conditional Regional Business District (CD-RB) on approximately 7.93 acres out of the 17.64 acre tract for self storage mini warehouse facility, William's Township.

## ...Abstract

### **Action Requested:**

Vote on a request to approve a legislative request by 919 Storage LLC on Parcel No. 3080, located at 72 Marvin Edwards Lane, from R-2 Residential to Conditional Regional Business District (CD-RB) on approximately 7.93 acres out of the 17.64 acre tract for self storage mini warehouse facility, William's Township.

### **Introduction and Background:**

A legislative public hearing was held on August 27, 2020. Planning staff presented the application. Also speaking was Mark Ashness with CE Group, Nick Kirkland to discuss the marketing analysis, as well as adjacent or adjoining property owners Michael Mansson, in opposition, Robert Midair in support, and Marjorie Gates in support. Mr. Mansson stated he had obtained a third party study of the need of the proposed use and noted there are 11 such facilities within five miles. He also stated a petition has been signed by 29 people stating the project does not meet the Land Use Plan. These documents are on the Planning webpage as noted above.

**Prior to the first scheduled Planning Board meeting, the applicant requested to postpone their review until they could address some of the concerns raised at the public hearing and by staff. The Planning Board agreed to postpone to their November 10, 2020 meeting.**

**Additional information has been provided by the applicant addressing standards 2, 3, and 4. Due to county network closures, staff will review the information and provide their opinion based on support or non-support of the standards at the meeting.**

**Discussion points from the November 10, 2020 Planning Board meeting are below.**

**Discussions and recommendation from the December 1, 2020 Planning Board meeting are below.**

### **Discussion and Analysis:**

Conditional Zoning districts are districts in which the development and use of the property is subject to predetermined ordinance standards and rules, regulations, and conditions imposed as part of a legislative decision creating the district and applying it to the particular property.

Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. The review process established in this Ordinance provides for accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the use with neighboring properties. A conditional zoning district is not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved land use plan or the proposal can demonstrate that public infrastructure needed to serve the development will be made available within a reasonable time period.

On January 22, 2020 the Chatham County Appearance Commission (CCAC) reviewed the proposed site plan. The overall plan satisfied the requirements of the ordinance. The recommended changes were to leave the grassy slopes on the property in a natural state, for lighting to be motion censored, and to move one light on the southern side of the property as to not disturb the adjacent landowner. The applicant agreed.

On June 24, 2020 the applicant held the required community meeting. The applicant held a community meeting on January 28, 2020, but due to an error in the first notice filing the meeting had to be held again. The applicant scheduled the second meeting in March but covid related restrictions caused the applicant to hold a third meeting. Several people attended the meeting and concerns were raised about the need for another self storage facility in the area, lighting, stormwater runoff, hours of operation, building height and square footage, and building colors.

Mr. Ashness noted the following changes to be incorporated into the site plan and referred to them during the public hearing:

- A gate will be installed restricting access to the facility from 11pm to 6am
- The building colors have been replaced with solid neutral colors such as blue or gray
- Building height has been reduced from three-story to two-story and overall square footage is limited to 100,000 sq. ft.
- Trees along US 15-501 N will remain and be supplemented as needed

At the public hearing, Nick Kirkland addressed the findings of the market analysis stating there is harmony between uses with the location being within the typical distance to residential and close to town. He also stated this project would not affect current property values.

Planning Board Chair, George Lucier, questioned if CD-RB was the most appropriate zoning classification for the use. Mr. Ashness stated it is consistent with the zoning for the storage facility on the opposite side of 15-501 from this site. Commissioner Jim Crawford asked about a right turn lane or whether widening of US 15-501 would be required by NCDOT. Mr. Ashness stated they will follow whichever method is required by NCDOT.

### **November 10, 2020 Planning Board meeting:**

Planning Board members had the following questions and/or concerns:

- In an Economic Center node, are NB, CB, and RB zoning districts recommended regardless of whether they are general use or conditional district? There was some confusion about this and staff explained that the standards of the zoning ordinance act separately than the nodes of the Comp Plan, but the Comp Plan map indicates where such proposed rezonings are encouraged to locate. With conditional district rezoning only the use applied for and approved can locate on the property.
- A letter from a competing storage facility dated August 27, 2020 stated they believed there to be an over abundance of storage facilities in the county and no new ones were needed at this time. The market analysis showed this facility at 98% capacity as well as nine others that were also near capacity. There was a concern over whose data was correct.
- Planning Board members stated that the dissecting of a professionally prepared market analysis did not necessarily determine whether the minimum standards of the rezoning requirements have been met. There were also comments that the board should be focusing on whether the property was located in an area designated for business use and it either complies with the adopted plans of the county and meets the submittal requirements or it doesn't and that is what they are basing their recommendation.

Citizens had the following questions and/or concerns:

- There was concern there was not enough time for citizens to review the additional materials submitted by the applicant prior to the meeting.
- Some citizens believe there is no need for additional storage facilities in this area of the county stating the need was being based on future residential development and not what is currently established.
- Concerns the project would be an eyesore and detract from the rural aspect of the area even though there is a Walmart, several storage facilities of differing construction, and other non-residential uses along US 15-501 within five miles.
- It was stated that because the Comprehensive Plan didn't specifically call out self storage as a permitted use within the Economic Node it shouldn't be allowed.
- Concern over decreased property values.

### **December 1, 2020 Planning Board meeting:**

- Comments were provided in opposition from the same property owners in opposition previously as well Bob Hornick, attorney representing Mr. Michael Mannson, presenting reasons for opposition. Reasons for non support of the standards included that the Neighborhood Center node limits the amount of non-residential that can be developed to 125,000 sq. ft. citing that Walmart has already taken that space up; conflicts between zoning districts applied for on the application; community meeting not held within time frame required by the Zoning Ordinance.
- One of the owners of the property spoke stating there would be no stress on the county water system as would occur with more intensive water uses, it was low impact for traffic, and compatible with the current growth rate of the area.

- Comments from the Board included that this is a low activity usage and a higher use could trigger traffic issues/hazards, increased noise, etc.; the Comprehensive Plan is a guideline not a regulation; storage uses are market driven and if differing professional reports were provided that the Board does not decide whether one analysis overrides another; a few of the objections to the use were from competing storage facilities owners in the area.
- A majority of the Planning Board members thought the site plan and concessions that have been made through the process are acceptable and have met the standards of the ordinance.

**The standards are addressed as follows:**

Item #1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed description of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same. The applicant is claiming no errors in the Ordinance. The property is zoned R-2 Residential and an application for conditional district rezoning is allowed. It is planning staff opinion this standard is met. **It is the opinion of planning staff and the Planning Board recommendation, that this standard has been met.**

Item #2: The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.

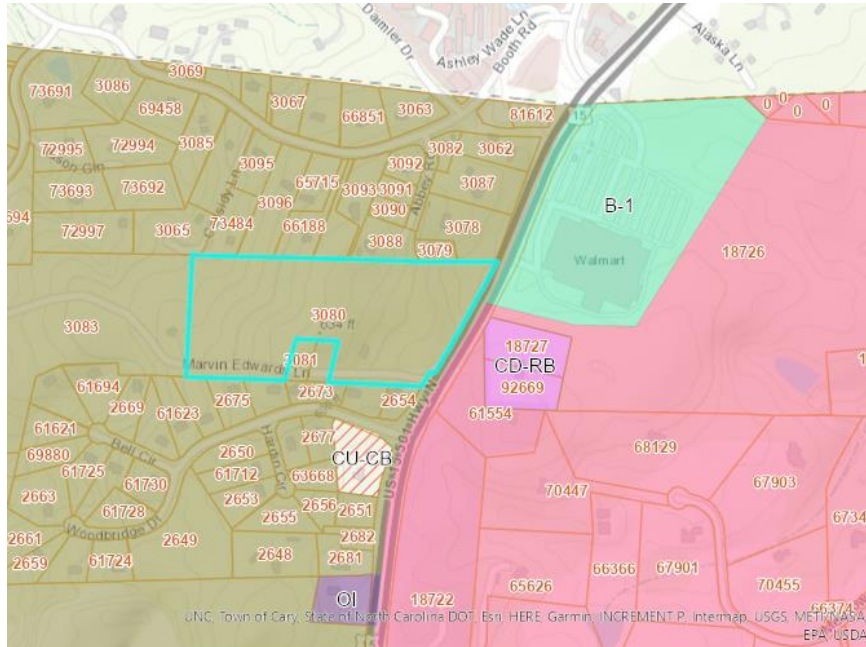
The application includes support from the Comprehensive Plan, but it does not necessarily address the items as described for Standard No. 2. A limited feasibility study prepared by BKB Properties was included with the application and it was noted that they were not aware of any new storage development near this site. On the opposite side of US 15-501 there is a three story climate controlled storage facility (Countyline Storage), across the county line approximately 1500 feet is another mini storage facility (Star Point) and approximately .38 miles south is another facility (Akridge) which is located off of Old Lystra Road. Planning staff does not know the existence of other facilities in Orange County in close proximity.

As for the public health, safety, and general welfare, the development will only occupy 7.93 acres out of the almost 18 acre tract leaving the remaining R-2 zoned property to be left as open space or used for residential purposes in the future. They will be utilizing a security gate, time restrictions on access, and minimal lighting. No other support was provided by the application for this finding. It is the planning staff opinion that this standard has not been completely supported and request the Planning Board make the determination in support or if additional information is needed.

**Additional information has been provided by the applicant and their representatives. This is a low impact use for the subject property, the applicant has incorporated restricted access and hours in response to concerns raised by the neighboring residential property owners, there is a need for varying types of facilities needed to provide options for**

customers with different needs and incomes to have access to self storage facilities, one septic system will be needed to support the on-site office which is less than would be required for two single family dwellings were to be constructed, has access to county water, and is within a neighborhood center node on the Plan Chatham Future Land Use and Conservation Plan Map for consideration. It is the opinion of planning staff and the Planning Board recommendation, that this standard is now supported.

*The following map shows the current zoning and the areas surrounding the parcel.*

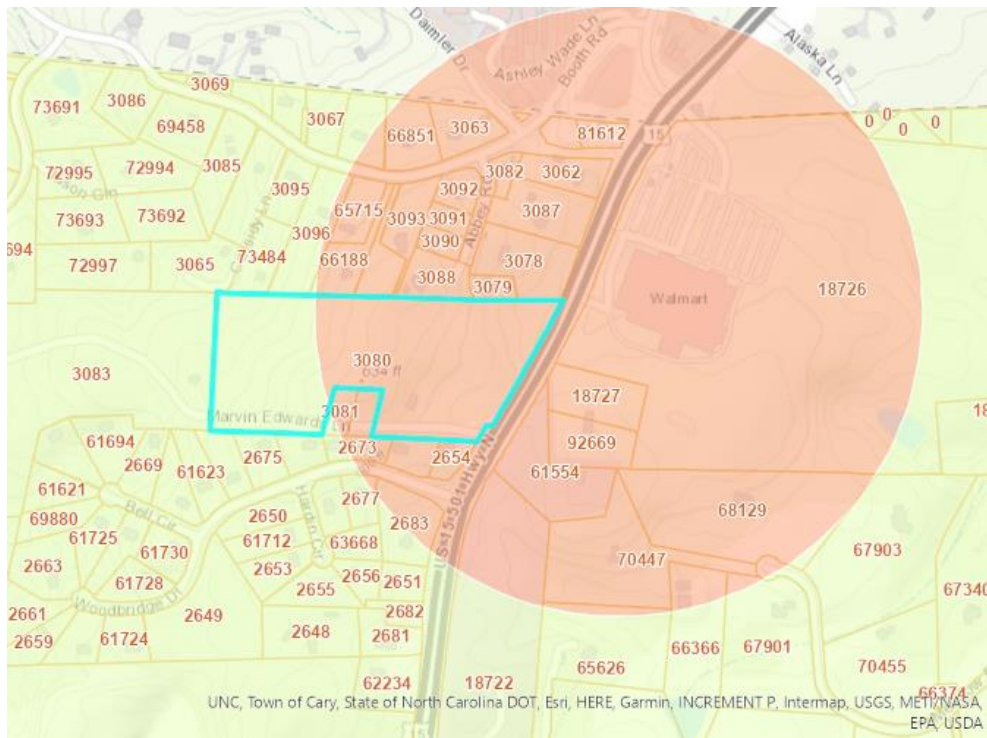


Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof. The minimums to be addressed for Standard No. 3 as listed on page 3 of the rezoning application have not been addressed or supported. The application does state that Page 47 of the Comp Plan encourages service uses near residential. The front area of the parcel where the storage unit is proposed is located within an Economic Center node.

It is the planning staff opinion that this standard has not been met with specific support but does fall within the required node for consideration of the comprehensive plan. It is requested the Planning Board make the recommendation that it supports or does not support.

**Additional information has been provided by the applicant and their representatives. The subject property is within a neighborhood center node and is a low impact use since it is close to residential areas and utilities are minimal. It is the planning staff opinion and the Planning Board recommendation, that this standard is now supported.**

The following map shows the Future Land Use and Conservation Plan Map



Item #4: The requested amendment is either essential or desirable for the public convenience or welfare. The limited feasibility study notes that the need for self mini storage continues to rise as more residential development in the surrounding area continues. Chatham County remains one of the fastest growing bedroom communities in the state. With new developments that allow smaller lot sizes, many property owners do not have the space available for accessory structures on their lots. Self mini storage can be viewed as a needed amenity and offers one of the lowest impact uses that allows a property owner to utilize their property to bring revenue not only for themselves but an increase in the tax base.

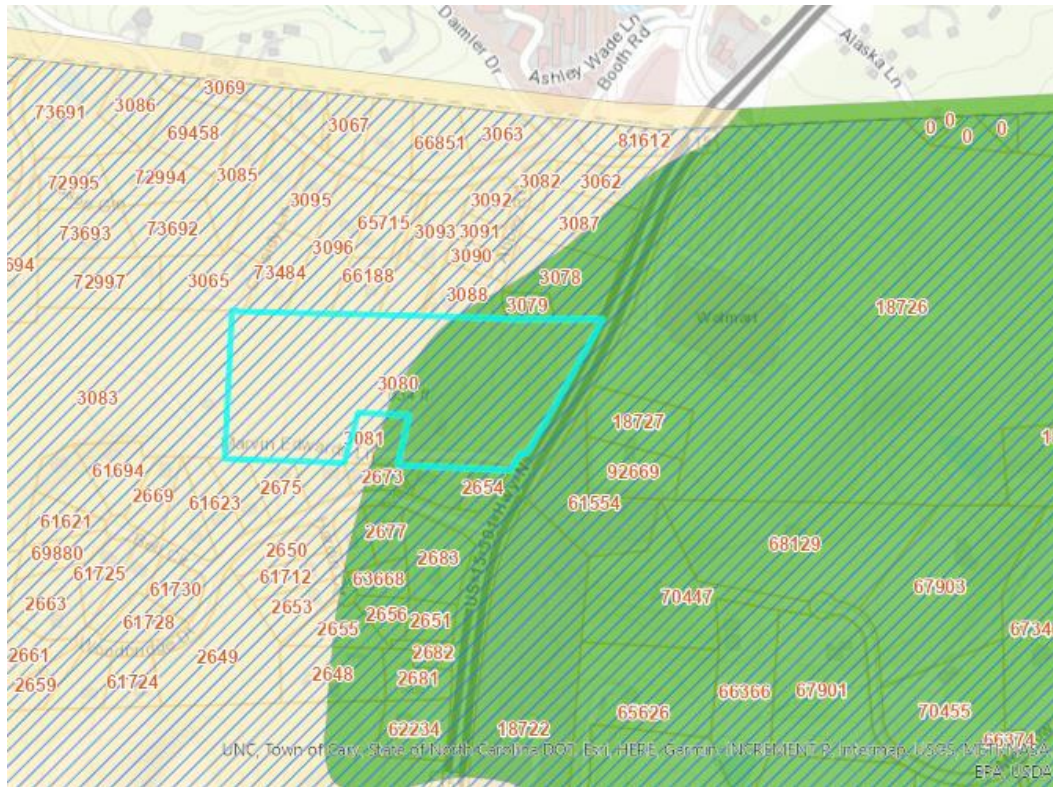
As noted in the Introduction, Michael Mansson with Starpoint LLC provided a market analysis from Self Storage 101 that included “that the market is at current over-supplied and will become even more so if any new self storage facilities are developed in the near future.” The report also included that “the report relies heavily on written and verbal information provided by others” and “in some cases, these sources are competitors, who may have a vested interest in skewing the data.”

The applicant held the required community meeting and attempted to address the concerns regarding landscaping, lighting, security, stormwater and building elevations and modified their proposal accordingly. The plan will comply with all current local, state, and federal regulations pertaining to development.

This is a low impact use for the property and over ¾ of the parcel is to remain residential.

NCDOT has reviewed the preliminary plans and due to the low traffic intensity they have no issues with the layout. If any modifications are needed on US 15-501 they will advise and permit accordingly.

The following map shows the watershed classification.



**It is the planning staff opinion and the Planning Board recommendation, this standard can be met based on this second review of the application materials and discussions.**

The following map shows the USGS map



Item #5: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment include the property is located in a split Watershed designation. The road frontage portion of the property, where this proposed business is to be located, is within the WSIV-Protected Area Jordan Lake watershed drainage area and the area to remain residential in the WSII-Balance of Watershed Jordan Lake district. There are no noted water features on this property per USGS and NRCS maps.

There is a small office proposed for an attendant during operating hours so wastewater and county water usage will be low; less than 100 gpd.

The layout was reviewed by the Technical Review Committee which included building inspections and the fire marshal's offices. No issues were found. It is the planning staff opinion that this standard is met. **It is the opinion of planning staff and the Planning Board recommendation, that this standard is supported.**

**Planning staff finds Standards 2 and 3 have now been met making all findings supported.** The application materials and supporting information were provided meeting the minimum requirements for recommending approval. Although there may be differing opinions on whether or not the market study, feasibility study or any other professionally submitted documents are in agreement between parties, it is not the purview of staff to determine. **The Planning Board recommends approval by vote of 7-2.**



### **How does this relate to the Comprehensive Plan:**

Page 47 of the Comp Plan encourages service uses near residential. The front area of the parcel where the storage unit is proposed is located within a Neighborhood Center node where non-residential, supporting development is encouraged to locate.

### **Recommendation:**

The Planning Board recommends by vote of 7-2 approval and adoption of resolution approving the following consistency statement:

**The rezoning of the portion of Parcel 3080, being approximately 7.93 acres out of approximately 17 acres is consistent with the Comprehensive Plan of Chatham by being located within a node identified as an Neighborhood Center Node where other businesses are located and encouraged to locate per the adopted map and regulations. Strategy 6.1 of the Land Use Plan element includes “Limit shopping centers and highway commercial development only in areas indicated as suitable for commercial development on the Future Land Use Map: within Towns, Employment Centers, Community and Neighborhood Centers, Village Centers, and in Crossroads Communities.”**

The Planning Board recommends by a 7-2 vote approval and adoption of an ordinance approving a legislative request by 919 Storage LLC on Parcel No. 3080, located at 72 Marvin Edwards Lane, from R-2 Residential to Conditional Regional Business District (CD-RB) on approximately 7.93 acres out of the 17.64 acre tract for self storage mini warehouse facility, William's Township with the following conditions:

#### Site Specific Conditions:

1. The recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes and a revised site plan is required. The planning staff and CCAC may conduct routine inspections of the property to ensure compliance with the landscaping requirements.
2. A building permit shall be obtained and remain valid at all times within two years of the date of this approval or the site plan and approved uses becomes null and void.

#### Standard Site Conditions:

3. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes to or variations from any requirements of this permit must be approved through the Planning Department or other approving board before any such changes can take place.
4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, and Environmental Health Division, etc.) shall be obtained, if required, and copies submitted to the Planning Department as part of the platting process.

Standard Administrative Conditions:

5. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.

6. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.

7. Non-Severability – If any of the above conditions is held to be invalid, this approval in its entirety shall be void.

8. Non-Waiver – Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.